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Attorneys for Defendants  
DAVID VICTOR LEWIS, an individual, and  
YORK CLEANERS, INC. a dissolved corporation

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ESTATE OF VIOLA B. SPAULDING;  
FLORENCE SPAULDING, trustee; LYNN  
SPAULDING, doing business as Spaulding  
Enterprises; and TINA SPAULDING  
WARD, doing business as Spaulding  
Enterprises, THE CONSERVATORSHIP  
OF EILEEN SPAULDING,

Plaintiffs,

v.

YORK CLEANERS, INC., a dissolved  
California Corporation; ESTATE OF  
BARNARD LEWIS, DECEASED; DAVID  
VICTOR LEWIS, an individual; MARTIN  
FRANCHISES, INC., an Ohio corporation;  
SETH R. DOLE, an individual; and RUTH  
DOLE, an individual and DOES 1 through  
100,

Defendants.

AND ALL RELATED CROSS AND  
COUNTER ACTIONS

Case No.: C 08-00672 CRB

**DEFENDANT YORK CLEANERS  
INC. AND DAVID VICTOR LEWIS'  
INITIAL DISCLOSURES**

**F.R.C.P. 26(a)(1)**

Pursuant to Rule 26(a) (1) of the Federal Rules of Civil Procedure, defendants,  
cross-claimants and counter-claimants YORK CLEANERS INC. ("York") and DAVID  
VICTOR LEWIS (Lewis) (hereinafter collectively referred to as "Defendants"), submit their  
Initial Disclosures.

**A.** The following individuals identified by Defendants may have discoverable

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information regarding the claims and defenses in this action.

Parties:

1. David Victor Lewis, 57 Washington Street, Novato, CA 94947, Tel.: (415)892-1495
2. Florence Spaulding, Trustee for Estate of Viola B. Spaulding, contact information unknown.
3. Tina Spaulding Ward, represented by counsel.
4. Lynn Spaulding, 7612 Melody Drive, Rohnert Park, CA 94928, TEL: (707) 664-1031
5. The Conservatorship of Eileen Spaulding, represented by counsel.
6. Martin Franchises Inc., represented by counsel.
7. Cooper Industries, contact information unknown.
8. Seth R. Dole, contact information unknown.
9. Ruth Dole, contact information unknown.

Former Employees of York Cleaners

The following former employees are believed to have knowledge of the dry cleaning operations and the maintenance of the premises, and they may have additional information regarding the whereabouts of other former employees:

10. Jill Lewis, 57 Washington Street, Novato, CA 94947, Tel.: (415)892-1495. Mrs. Lewis is the wife of David Victor Lewis and thus may not be contacted except through counsel.
11. Suzanne Putman, 408 Alameda De La Loma, Novato, Calif. 94949; tel. 415.382.1557. Ms. Putman is the daughter of David Victor Lewis and Jill Lewis, and she worked at the dry cleaners at various times. She is believed to have some knowledge of the premises and operations of the business.
12. Dyan Stromberg: Address unknown; Tel. 415.383.3638.
13. Gina Mason-Day: Address unknown but believed to be living in Windsor, California.
14. Claire Baxter, Address unknown.
15. Carolyn Hearrell: Ms. Hearrell is believed to be living in Petaluma. Tel: 707.846.3170.
16. Donna Myake: Ms. Mayake is believed to be living in San Anselmo, California.

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17. Ms. Cloveta ("Cleo") Royall: 6 Conchita Ct., Novato, CA 94947-3715.

Other Third Party Witnesses:

18. Dolores Gilson: Tel. 415.898.0242. Ms. Gilson was the Court reporter that is believed to have put the final settlement on the record in the Marin County Superior Court action between the Spauldings and the Lewis'. Ms. Gilson may have knowledge of where a transcript of the settlement can be located.

19. Judge Lynn O'Malley Taylor: Superior Court Judge, Marin County Superior Court, 3501 Civic Center Drive Room #116 San Rafael, CA 94903 Phone: (415) 473-6244 . Judge Taylor put the settlement of the parties on the record in the prior litigation and is believed to have knowledge regarding her normal procedures in such cases and the terms of the settlement.

20. Custodian of Records and Person Most Knowledgeable: A Counting House, 2173 L-1 East Francisco Blvd., San Rafael, CA 94901, Tel: 415.456.2920. A Counting House was the former accountant for York and may posses knowledge about York's insurance information.

21. Custodian of Records and Person Most Knowledgeable: Fidelity National Title, 50 California Street, Suite 3550, San Francisco, CA, 94111, Tel: 415.421.5566. Fidelity National Title handled the sale of York in and may posses knowledge about York's insurance information as well as knowledge about the property itself.

22. Custodian of Records and Person Most Knowledgeable: Keith Ryan Business Brokerage, address information unknown, Tel: 415.292.4337. Keith Ryan Business Brokerage was the broker for the sale of York to the Changs and may possess knowledge of the premises relevant to this matter.

23. Augustine J. and Young Chang, contact information unknown. The Changs purchased York Cleaners in 1999 and may posses knowledge of the premises and operation of the dry-cleaning business as relevant to this matter.

24. Kenneth A. Coren, 265 Miller Ave., Mill Valley, CA 94941, Tel.: (415) 381-6399. Mr. Coren was counsel for York and Lewis in a previous suit filed against them by the

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Spauldings. Mr. Coren may possess knowledge regarding the premises and operation of the dry-cleaning business as relevant to this matter, as well as knowledge regarding any settlement or release involved in the prior litigation between the current parties.

25. Jeffrey Moss: 454 Las Gallinas Ave Ste 310, San Rafael, CA, 94903-6812; Tel: (415) 456-2566. Mr. Moss was the attorney for the Spauldings in the prior Marin Superior Court action and may possess knowledge of the subject matter of that litigation and the settlement.

26. Jim Camilleri, 45 Bay Street, San Rafael, CA 94901, Tel.: (415) 456-3785. Mr. Camilleri was employed by York Cleaners to service, repair, remove and replace the dry-cleaning equipment located at the premises.

27. Elizabeth A. McGovern, Escrow Officer, Fidelity National Title Company, 98 Battery Street, 4<sup>th</sup> Floor, San Francisco, CA 94111; Tel. 415.421.5566. Ms. McGovern and / or Fidelity National Title may have knowledge regarding the sale of the property from Mr. Lewis to Augustine Change and Young Chang.

Contractors:

The following persons / entities may have knowledge regarding construction work done on the property and / or maintenance of the equipment:

28. Lawrence A. Hoyt, Hoyt Inspection Services, Inc., 1920 Indian Valley Road, Novato, CA 94947, Business Phone Number: (415) 897-9517.

29. Jack Sarin, Sarin Construction, State contractor's license No.: 218489 (expired); Last Known Address, 1531 So. Novato Blvd., Novato, CA 94947. Sarin Construction performed work at 31 Miller Ave. under permit 5940, it is believed, in the 1960s.

30. GPI Environmental Management: 1516 Grant Avenue, Suite 226, Novato, CA 94945. Tel: 892-9016. GPI was hired by York Cleaners in 1998 to perform a Phase I environmental Site Assessment. They have knowledge of the background investigation, findings and conclusions from that investigation.

31. AEI Consultants: 2500 Camino Diablo, Suite 200, Walnut Creek, California 94597; Tel. 925.944.2899. AEI performed a investigation on the property for Spaulding Enterprises in 2007

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1 and may have knowledge of various facts from that investigation.

2 Insurance Related Witnesses:

3 The following persons / entities are believed to have some knowledge regarding the insurance  
4 policies / coverages provided to the business:

5 32. The Henderson Insurance Agency: 4675 Macarthur Court #420, Newport Beach,  
6 California 92660. Tel: 949.863.0900.

7 33. Peck-Stanton-Hockett Ins. Agency: 174 East Blithedale Ave., Mill Valley, CA 94941:  
8 Tel.: 415.388.2236.

9 **B.** The following documents may be used to support Defendant's causes of action  
10 and defenses.

- 11 1. Court records from Marin County Superior Court, Civil Case No. CIV 994752
- 12 2. Attorney files, exclusive of attorney-client privileged documents and attorney work
- 13 product documents, in Marin County Superior Court, Civil Case No. CIV 994752
- 14 3. Hoyt Inspection Services Report;
- 15 4. AEI Consultants Reports;
- 16 5. GPI Environmental Management Reports
- 17 6. Leases for the property located at 31 Miller Ave., Mill Valley, California;
- 18 7. Title Documents from Fidelity National Title;
- 19 8. Death Certificate for Barnard Lewis;
- 20 9. Insurance records;
- 21 10. Photographs of the property located at 31 Miller Ave., Mill Valley, California
- 22 11. Advertising materials for York Cleaners;
- 23 12. Will of Barnard Lewis dated August 4, 1997;
- 24 13. Repair records related to various work done at 31 Miller Ave., Mill Valley,
- 25 California.
- 26 14. Records of the Regional Water Quality Control Board
- 27 15. Documents listed by any other party;

28 **C.** Computation of Damages:

1 The following computations represent the approximate damages incurred by  
 2 Defendants so far, and are based on information reasonably available to Defendants at this  
 3 time. Defendants reserve their right to amend the amounts set forth herein.


4 Defendants have claimed the right to indemnity, including recovery of attorneys'  
 5 fees and costs, from each cross-defendant. The amount of recovery will depend on the  
 6 damages claimed and proved, if any, by the plaintiffs. Defendants reserve the right to  
 7 supplement this response as additional information is received.

8 **D. Insurance Policies:**

9 Defendants are attempting to identify any insurance responsive to this category and  
 10 will provide that information when, and if, it is located.

11  
 12 Dated: May 2, 2008

COX, WOOTTON, GRIFFIN, HANSEN  
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